

Union Calendar No. 37

103D CONGRESS
1ST SESSION

H. R. 1378

[Report No. 103-83]

A BILL

To amend title 10, United States Code, with respect to applicability of qualification requirements for certain acquisition positions in the Department of Defense.

MAY 6, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1993

Mr. SISISKY (for himself and Mr. HANSEN) introduced the following bill;
which was referred to the Committee on Armed Services

MAY 6, 1993

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 17, 1993]

A BILL

To amend title 10, United States Code, with respect to applicability of qualification requirements for certain acquisition positions in the Department of Defense.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—APPLICABILITY OF QUALIFICA-**
2 **TION REQUIREMENTS FOR CERTAIN**
3 **ACQUISITION POSITIONS IN THE DE-**
4 **PARTMENT OF DEFENSE**

5 **SEC. 101. APPLICABILITY OF QUALIFICATION REQUIRE-**
6 **MENTS FOR CERTAIN ACQUISITION POSI-**
7 **TIONS IN THE DEPARTMENT OF DEFENSE.**

8 *Section 1724(c)(2) of title 10, United States Code, is*
9 *amended—*

10 *(1) by inserting “or lower” before “grade”; and*

11 *(2) by inserting “or lower” before “level”.*

12 **TITLE II—DEFENSE TECHNICAL AND**
13 **CLERICAL AMENDMENTS**

14 **SEC. 201. AMENDMENTS TO TITLE 10, UNITED STATES**
15 **CODE.**

16 *(a) RESOLUTION OF INCONSISTENT AND DUPLICATIVE*
17 *AMENDMENTS.—Section 166a of title 10, United States*
18 *Code, is amended—*

19 *(1) in the first sentence of subsection (a), by*
20 *striking out “the Chairman” and all that follows*
21 *through the period at the end of the sentence and in-*
22 *serting in lieu thereof “the Chairman of the Joint*
23 *Chiefs of Staff may provide funds to the commander*
24 *of a combatant command, upon the request of the*
25 *commander, or, with respect to a geographic area or*

1 *areas not within the area of responsibility of a com-*
 2 *mander of a combatant command, to an officer des-*
 3 *ignated by the Chairman of the Joint Chiefs of Staff*
 4 *for such purpose.”; and*

5 *(2) in subsection (b)(7), by striking out the sec-*
 6 *ond parenthetical phrase before the period at the end.*

7 *(b) DUPLICATE SECTION NUMBERS.—Title 10, United*
 8 *States Code, is amended as follows:*

9 *(1)(A) Chapter 141 is amended by redesignating*
 10 *the second sections 2410c and 2410d as sections 2410j*
 11 *and 2410k, respectively.*

12 *(B) The items relating to those sections in the*
 13 *table of sections at the beginning of such chapter are*
 14 *amended to reflect the redesignations made by sub-*
 15 *paragraph (A).*

16 *(2)(A) Chapter 401 is amended by redesignating*
 17 *the second section 4316 as section 4317.*

18 *(B) The table of sections at the beginning of such*
 19 *chapter is amended by striking out the last two items*
 20 *and inserting in lieu thereof the following:*

“4316. Reporting requirements.

“4317. Military history fellowships.”.

21 *(c) CROSS REFERENCE AMENDMENTS.—Title 10,*
 22 *United States Code, is amended as follows:*

23 *(1) Section 1104 is amended—*

1 (A) in subsections (a), (b), and (c), by strik-
2 ing out “section 8011 of title 38” and inserting
3 in lieu thereof “section 8111 of title 38”; and

4 (B) in subsection (d), by striking out “sec-
5 tion 8011A of title 38” and inserting in lieu
6 thereof “section 8111A of title 38”.

7 (2) Section 2145(b) is amended by striking out
8 “means the actual cost” and all that follows and in-
9 serting in lieu thereof “has the meaning given the
10 term ‘cost of attendance’ by section 472 of the Higher
11 Education Act of 1965 (20 U.S.C. 1087ll).”.

12 (3) Section 2198(c) is amended—

13 (A) by striking out “an annual” and insert-
14 ing in lieu thereof “a”; and

15 (B) by striking out “section 2522” and in-
16 serting in lieu thereof “section 2506”.

17 (4) Section 2371(g) is amended—

18 (A) by striking out “section 11” and insert-
19 ing in lieu thereof “section 12”; and

20 (B) by striking out “sections 10 and 11”
21 and inserting in lieu thereof “sections 11 and
22 12”.

23 (5) Section 2372(g)(5) is amended by striking
24 out “section 2522” and inserting in lieu thereof “sec-
25 tion 2506”.

1 (6) *Section 2401(c)(2)(A) is amended by striking*
2 *out “the Internal Revenue Code of 1954” and insert-*
3 *ing in lieu thereof “the Internal Revenue Code of*
4 *1986”.*

5 (7) *Section 2501(a)(1)(A) is amended by striking*
6 *out “section 104” and inserting in lieu thereof “sec-*
7 *tion 108”.*

8 (8) *Section 2535(b)(2)(B) is amended by striking*
9 *out “paragraph (1)” and inserting in lieu thereof*
10 *“subparagraph (A)”.*

11 (9) *Section 2677(c)(1) is amended—*

12 (A) *by striking out “section 21A(b)(12)(F)”*
13 *and inserting in lieu thereof “section*
14 *21A(b)(11)(F)”;* and

15 (B) *by striking out “(12 U.S.C.*
16 *1441a(b)(12)(F))” and inserting in lieu thereof*
17 *“(12 U.S.C. 1441a(b)(11)(F))”.*

18 (10) *Section 5038(e) is amended by striking out*
19 *“subsection” and inserting in lieu thereof “section”.*

20 (11) *Section 7721(a) is amended by striking out*
21 *“(46 U.S.C 781–790)” and inserting in lieu thereof*
22 *“(46 U.S.C. App. 781–790)”.*

23 (d) *AMENDMENTS FOR STYLISTIC CONSISTENCY.—*

24 *Title 10, United States Code, is amended as follows:*

25 (1) *Section 1597 is amended—*

1 (A) in subsection (c)(3)—

2 (i) by striking out “defense agency” in
3 subparagraph (A)(v) and inserting in lieu
4 thereof “Defense Agency”; and

5 (ii) in subparagraph (C)—

6 (I) by striking out “defense agen-
7 cy” the first place it appears and in-
8 serting in lieu thereof “Defense Agen-
9 cy”; and

10 (II) by striking out “defense agen-
11 cy” the second place it appears and in-
12 serting in lieu thereof “Defense Agen-
13 cy,”; and

14 (B) in subsection (e), by striking out “of the
15 date” and inserting in lieu thereof “on the date”.

16 (2) The table of sections at the beginning of
17 chapter 142 is amended by striking out “Sec.” in the
18 items relating to sections 2418 and 2419.

19 (3) Section 2513(c)(2)(B) is amended by striking
20 out the second clause (iii) (as added by section
21 4223(d) of Public Law 102–484 (106 Stat. 2681))
22 and inserting in lieu thereof the following:

23 “(iv) An institution of higher education des-
24 ignated by a State or local government.”.

1 (4) *Section 2536 is amended by striking out the*
2 *period at the end of the section heading.*

3 (5) *Section 2537(a) is amended in the first sen-*
4 *tence by striking out “respectively, which” and insert-*
5 *ing in lieu thereof “respectively, that”.*

6 (6) *Section 2701(j)(2) is amended by striking*
7 *out “applies (42 U.S.C. 9619(g))” and inserting in*
8 *lieu thereof “(42 U.S.C. 9619(g)) applies”.*

9 (7) *Section 2828 is amended by striking out “per*
10 *annum” each place it appears in subsections (b)(2),*
11 *(b)(3), and (e)(1) and inserting in lieu thereof “per*
12 *year”.*

13 (e) *SUBSECTION HEADINGS.—Title 10, United States*
14 *Code, is amended as follows:*

15 (1) *Section 2513 (as transferred and redesign-*
16 *ated by section 4223(b) of Public Law 102–484 (106*
17 *Stat. 2681)) is amended—*

18 (A) *by striking out “CENTERS” in the head-*
19 *ing for subsection (b) and inserting in lieu there-*
20 *of “ALLIANCES”; and*

21 (B) *by striking out “CENTER” in the head-*
22 *ing for subsection (e) and inserting in lieu there-*
23 *of “ALLIANCE”.*

1 (2) *Section 2308 is amended by inserting after*
2 *“(a)” the following: “FACILITATION OF PROCURE-*
3 *MENT.—”.*

4 (f) *DATE OF ENACTMENT REFERENCES.—Title 10,*
5 *United States Code, is amended as follows:*

6 (1) *Section 1151(e)(1) is amended by striking*
7 *out “the date of the enactment of this section” and in-*
8 *serting in lieu thereof “October 23, 1992,”.*

9 (2) *Section 1331a(b) is amended by striking out*
10 *“the date of the enactment of the National Defense*
11 *Authorization Act for Fiscal Year 1993” and insert-*
12 *ing in lieu thereof “October 23, 1992,”.*

13 (3) *Section 1802(b) is amended by striking out*
14 *“not more than two years before the date of the enact-*
15 *ment of this chapter” and inserting in lieu thereof*
16 *“after October 22, 1990”.*

17 (g) *PUNCTUATION, SPELLING, ETC.—Title 10, United*
18 *States Code, is amended as follows:*

19 (1) *Section 1078a is amended—*

20 (A) *in subsection (b)(3)(C), by striking out*
21 *“subparagraphs” and inserting in lieu thereof*
22 *“subparagraph”; and*

23 (B) *in subsection (d)(2)(A), by inserting*
24 *“under” after “coverage”.*

1 (2) Section 1590(a) is amended by striking out
2 the second semicolon at the end of paragraph (1).

3 (3) Section 1802(a) is amended by striking out
4 “carrys” and inserting in lieu thereof “carries”.

5 (4) Section 2321(d)(1)(B) is amended by strik-
6 ing out “adherance” and inserting in lieu thereof
7 “adherence”.

8 (5) Section 2361(b)(2) is amended by striking
9 out “inconsisent” and inserting in lieu thereof “in-
10 consistent”.

11 (6) Section 2410j (as redesignated by subsection
12 (b)(1)(A)) is amended in subsection (f)(2)(B) by strik-
13 ing out “aid” and inserting in lieu thereof “aide”.

14 (7) The heading of section 2505 is amended by
15 striking out “**capabilty**” and inserting in lieu
16 thereof “**capability**”.

17 (8) Section 2516(b)(4) is amended by striking
18 out “dual use” and inserting in lieu thereof “dual-
19 use”.

20 (9) Section 2524(b)(2)(F) is amended by striking
21 out “work force” both places it appears and inserting
22 in lieu thereof “workforce”.

23 (10)(A) The heading of section 4313 is amended
24 to read as follows:

1 **“§ 4313. National Matches and small-arms school: ex-**
 2 **penses”.**

3 (B) *The item relating to section 4313 in the*
 4 *table of sections at the beginning of chapter 401 is*
 5 *amended to read as follows:*

“4313. National Matches and small-arms school: expenses.”.

6 (h) *REDUNDANT PROVISIONS.—Title 10, United States*
 7 *Code, is amended as follows:*

8 (1) *Section 1598(e) is amended by striking out*
 9 *paragraph (4).*

10 (2) *Section 2537 is amended by striking out sub-*
 11 *section (d).*

12 (i) *CLARIFICATION OF AMENDMENTS.—Title 10, Unit-*
 13 *ed States Code, is amended as follows:*

14 (1) *Paragraph (4) of section 1142(b) is amended*
 15 *by striking out “job placement assistance” and all*
 16 *that follows through the end of the paragraph and in-*
 17 *serting in lieu thereof “job placement assistance, in-*
 18 *cluding the public and community service jobs pro-*
 19 *gram carried out under section 1143a of this title,*
 20 *and information regarding the placement program es-*
 21 *tablished under section 1151 of this title to assist*
 22 *members to obtain employment as elementary or sec-*
 23 *ondary school teachers or teachers’ aides.”.*

24 (2) *Section 2433(e) is amended—*

1 (A) by striking out “a at least 15 percent
2 increase” both places it appears and inserting in
3 lieu thereof “an increase of at least 15 percent”;
4 and

5 (B) by striking out “a at least 25 percent
6 increase” both places it appears and inserting in
7 lieu thereof “an increase of at least 25 percent”.

8 **SEC. 202. AMENDMENTS TO FISCAL YEAR 1993 DEFENSE AU-**
9 **THORIZATION ACT.**

10 (a) *IN GENERAL.*—The National Defense Authoriza-
11 tion Act for Fiscal Year 1993 (Public Law 102–484) is
12 amended as follows:

13 (1) Section 195 (106 Stat. 2349) is amended by
14 striking out “initiative” and inserting in lieu thereof
15 “Initiative”.

16 (2) Section 234(e)(2) (106 Stat. 2357) is amend-
17 ed by striking out “in subsection (d)” and inserting
18 in lieu thereof “in subsection (c), as redesignated by
19 subsection (b)(2)(B)”.

20 (3) Section 243 (106 Stat. 2360) is amended by
21 striking out “Notwithstanding the provisions of the
22 Land-Remote Sensing Commercialization Act of 1984
23 (15 U.S.C. 4201 et seq.), the Secretary of Defense is
24 authorized” and inserting in lieu thereof “The Sec-
25 retary of Defense is authorized”.

1 (4) *Section 653(b)(2) (106 Stat. 2428) is amend-*
2 *ed by striking out “section 1463” and inserting in*
3 *lieu thereof “section 1463(a)”.*

4 (5) *Section 704(1) (106 Stat. 2432) is amended*
5 *by striking out “paragraph (15)(D)” and inserting in*
6 *lieu thereof “paragraph (15)”.*

7 (6) *Section 801(f) (106 Stat. 2444) is amend-*
8 *ed—*

9 (A) *by redesignating paragraphs (3), (4),*
10 *(5), and (6) as paragraphs (4), (5), (6), and (7),*
11 *respectively; and*

12 (B) *by inserting after paragraph (2) the fol-*
13 *lowing new paragraph:*

14 “*(3) by striking out ‘Secretary with’ in para-*
15 *graph (2) and inserting in lieu thereof ‘Secretary to-*
16 *ward attaining’;*”.

17 (7) *Section 843(c) (106 Stat. 2469) is amend-*
18 *ed—*

19 (A) *by striking out “On the date which is*
20 *two years after the date of the enactment of this*
21 *Act,” and inserting in lieu thereof “Effective Oc-*
22 *tober 23, 1994,”; and*

23 (B) *by striking out “section 2350a” and in-*
24 *serting in lieu thereof “sections 2350a(c) and*
25 *2350d(c)”.*

1 (8) *Section 911(b)(2) (106 Stat. 2473) is amend-*
2 *ed by striking out the period and closing quotation*
3 *marks at the end and inserting in lieu thereof closing*
4 *quotation marks and a period.*

5 (9) *Section 933 (106 Stat. 2476) is amended—*

6 (A) *in subsection (b)(1), by striking out*
7 *“or” and inserting in lieu thereof “and”; and*

8 (B) *in subsection (c), by inserting a comma*
9 *after “United States Code”.*

10 (10) *Section 1312(b)(4) (106 Stat. 2548) is*
11 *amended by striking out “the” in the quoted matter*
12 *stricken out in the amendment made by subpara-*
13 *graph (B).*

14 (11) *Section 1135(c)(2) (106 Stat. 2541) is*
15 *amended by striking out “unit deployment designa-*
16 *tors” and inserting in lieu thereof “Unit Deployment*
17 *Designators”.*

18 (12) *Section 1314(b) (106 Stat. 2549) is amend-*
19 *ed in the second sentence by adding a period after “of*
20 *member nations”.*

21 (13) *Sections 1814 and 1834 (106 Stat. 2583,*
22 *2586) are each amended by striking out “section” and*
23 *inserting in lieu thereof “subtitle”.*

24 (14) *Section 4219(c)(2)(H) (106 Stat. 2672) is*
25 *amended—*

1 (A) by striking out “Work force” and in-
2 serting in lieu thereof “Workforce”; and

3 (B) by striking out “work force” and insert-
4 ing in lieu thereof “workforce”.

5 (15) Section 4301(b)(1)(C) (106 Stat. 2697) is
6 amended by inserting “the first place it appears” be-
7 fore “the following”.

8 (16) Section 4407(b)(2) (106 Stat. 2708) is
9 amended by inserting “the second place it appears”
10 before “and inserting in lieu thereof”.

11 (17) Section 4422(a) (106 Stat. 2718) is amend-
12 ed—

13 (A) in paragraph (3), by striking out
14 “after” after “by inserting”; and

15 (B) in paragraph (4), by inserting “the
16 first reference to” after “after” the first place it
17 appears.

18 (18) Section 4470(a) (106 Stat. 2753) is amend-
19 ed—

20 (A) by striking out “section 4303(a)” in
21 paragraph (1) and inserting in lieu thereof “sec-
22 tion 4443(a)”;

23 (B) by striking out “section 4303(b)” in
24 paragraph (2) and inserting in lieu thereof “sec-
25 tion 4443(b)”.

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall apply as if included in the enactment of the*
 3 *National Defense Authorization Act for Fiscal Year 1993*
 4 *(Public Law 102–484).*

5 **SEC. 203. AMENDMENTS TO FISCAL YEAR 1992/1993 DEFENSE**
 6 **AUTHORIZATION ACT.**

7 (a) *REPEAL OF PREVIOUSLY CODIFIED PROVISION.*—
 8 *Section 523 of the National Defense Authorization Act for*
 9 *Fiscal Years 1992 and 1993 (Public Law 102–190; 105*
 10 *Stat. 1363) is repealed.*

11 (b) *OTHER AMENDMENTS.*—*The National Defense Au-*
 12 *thorization Act for Fiscal Years 1992 and 1993 (Public*
 13 *Law 102–190) is amended as follows:*

14 (1) *Section 236(d) (as redesignated by section*
 15 *234(b)(2)(B) of Public Law 102–484 (106 Stat.*
 16 *2356)) is amended by striking out “subsection (a)*
 17 *through (d)” in paragraph (1) and inserting in lieu*
 18 *thereof “subsections (a) through (c)”.*

19 (2) *Section 704(a) (105 Stat. 1401) is amended*
 20 *by striking out the closing quotation marks and pe-*
 21 *riod at the end of paragraph (2) of the subsection in-*
 22 *serted by the amendment made by that section.*

23 (3) *Section 3136(b)(1)(C)(ii)(I) (105 Stat. 1578)*
 24 *is amended by striking out “section 2522 of title 10,*

1 *United States Code*” and inserting in lieu thereof
2 *“section 2506 of title 10, United States Code”*.

3 (4) *Section 3137(c) (105 Stat. 1579) is amended*
4 *by striking out the comma after “the Secretary of En-*
5 *ergy”*.

6 **SEC. 204. AMENDMENTS TO OTHER LAWS.**

7 (a) *TITLE 37, UNITED STATES CODE.—Title 37, Unit-*
8 *ed States Code, is amended as follows:*

9 (1) *Section 205(a)(7)(B) is amended by striking*
10 *out “the Veterans’ Administration,” and inserting in*
11 *lieu thereof “the Department of Veterans Affairs,”*.

12 (2) *Section 411f(c) is amended by striking out*
13 *“section 401 of this title” and inserting in lieu thereof*
14 *“section 401(a) of this title”*.

15 (b) *PUBLIC LAW 98–94.—Section 1215(c) of the De-*
16 *partment of Defense Authorization Act, 1984 (Public Law*
17 *98–94; 97 Stat. 688; 10 U.S.C. 2452 note), is amended by*
18 *striking out “regulatons” and inserting in lieu thereof “reg-*
19 *ulations”*.

20 (c) *PUBLIC LAW 101–189.—Effective as of November*
21 *29, 1989, paragraph (1) of section 631(a) of the National*
22 *Defense Authorization Act for Fiscal Years 1990 and 1991*
23 *(Public Law 101–189; 103 Stat. 1449) is amended by in-*
24 *serting a comma after “18” in the matter struck by such*
25 *paragraph.*

1 (d) *STRATEGIC AND CRITICAL MATERIALS STOCK PILING*
 2 *ACT*.—Section 11(a)(1) of the Strategic and Critical
 3 *Materials Stock Piling Act* (50 U.S.C. 98h–2(a)(1)) is
 4 amended by striking out “six-month period” and inserting
 5 in lieu thereof “fiscal year”.

6 ***TITLE III—MISCELLANEOUS PROVISIONS***

7 ***SEC. 301. REAL PROPERTY REPAIRS AND MINOR CON-***
 8 ***STRUCTION DURING FISCAL YEAR 1993.***

9 In addition to using the funds specifically appro-
 10 priated for real property maintenance under the heading
 11 “*REAL PROPERTY MAINTENANCE, DEFENSE*” in title II of
 12 the Department of Defense Appropriations Act, 1993 (Pub-
 13 lic Law 102–396; 106 Stat. 1885), the Secretary of Defense
 14 and the Secretary of a military department may also use
 15 funds appropriated to the Secretary concerned for operation
 16 and maintenance under any of the first 11 headings of such
 17 title in order to carry out a major repair project that costs
 18 \$15,000 or more or a minor construction project that costs
 19 not less than \$15,000 and not more than \$300,000.

Amend the title so as to read “A bill to amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition workforce positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.”.

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